

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
MFA Mutual Insurance Company, vs Vickie Brooks, Joe C. Brooks, Dennis Ellsworth, J. W. Ellsworth, Carolyn J. Miller and Western Casualty & Surety Company vs Boyd Cowden, d/b/a Boyd Cowden Insurance Agency, Third Party Defendant		For plaintiff: ⁵⁰²⁻⁶⁰⁷¹⁷ Best, Sharp, Thomas & Glass 200 Franklin Building Tulsa, Oklahoma 74103 For defendant: Thomas L. Palmer (the Brooks) ⁵⁰²⁻⁶⁰⁷¹⁷ 520 Center Building 630 West Seventh Tulsa, Oklahoma 74127 Knight, Wilburn & Wagner, ⁵⁰²⁻⁶⁰⁷¹⁷ 212 Beacon Bl Tulsa, Oklahoma 74103 Jones, Givens, Brett, Gotcher & Doyle 4th National Building Tulsa, Oklahoma 74119 J. A. Rinehart Box 669 El Reno, Okla 73036 (3rd pty Deft.) Richard D. Gibbon, 217 Pythian Bldg. Tulsa 74103 (Carolyn Miller) ⁵⁰²⁻⁶⁰⁷¹⁷					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed ²⁻¹⁻⁷¹	Clerk	1-13-71	Best	15	00		
		1-14-71	CD 32			15 00	
J.S. 6 mailed ³⁻¹⁻⁷²	Marshal						
Basis of Action: Declaratory Judgment on a liability insurance contract	Docket fee Witness fees						
Action arose at: Sand Springs	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-13-71	Complaint, filed. x summons issued x b	
1-29-71	Summons, returned & filed: served Vickie Brooks & Joe C. Brooks at Tulsa, Ok. 1-15-71 (USM \$7.92) J. W. Ellsworth & Dennis Ellsworth at Tulsa, Ok. 1-17-71 (USM \$7.92); Western Casualty & Surety Co. by serving Joe B. Hunt, Commrs. of Ins., Ok. City. 1-18-71 (USM \$7.72); Carolyn J. Miller at Praterville, Ok. 1-28-71 (USM \$7.80)g	
2-5-71	Application for extension of time of Western Casualty & Surety Company in which to answer, filed.	
2-5-71	Order filed that the defendant, Western Casualty & Surety Company be given until 2-19-71 to plead or answer. (A part of order) filed. (JEP-Clerk) b	
2-5-71	Application and Order granting defendant Dennis Ellsworth and J.W. Ellsworth an extension of 15 days from this date to file answer filed. (AEB-J)h	
2-5-71	Separate answer and counterclaim of Vickie Brooks and Joe C. Brooks, only, filed. m	
2-19-71	Answer and Cross Claim of Western Casualty & Surety Company for Declaratory Judgment under Rule (13)(g), filed. b (& J.W. & Dennis Ellsworth)	
2-19-71	Third-Party Complaint of The Western Casualty & Surety Company, against Boyd Cowden, d/b/a Boyd Cowden Insurance Agency, filed. summons issued. b	
2-25-71	Third-party summons, returned & filed: served Boyd Cowden, dba Boyd Cowden Ins. Agency at Chandler, Ok. 2-24-71. (USM \$15.28)g	
3-10-71	Answer and Counter-Claim of third party defendant, filed. ds	
3-10-71	Answer of the Defendant of Carolyn J. Miller, Filed. r	
3-11-71	Complainant's answer to cross-claim of Joe C. Brooks and Vickie Brooks, filed. m	
3-18-71	Motion to withdraw as counsel of record and order permitting Thomas R. Brett of Jones, Givens, Brett, Gotcher & Doyle to withdraw as counsel for defts. Ellsworth, filed. (AEB-J)m	
4-1-71	Joint stipulation of dismissal of counter-claims of The Western Casualty & Surety Co., and Boyd Cowden d/b/a Boyd Cowden Insurance Agency, filed. m	
4-19-71	Request for admissions on behalf of Dennis Ellsworth, J. W. Ellsworth, and Western Casualty & Surety Company under Rul 36, filed. r	
4-30-71	Answers for request for admissions on behalf of Dennis Ellsworth, J. W. Ellsworth and Western Casualty & Surety Co. under Rule 36, filed. ds	
6-8-71	Case set for disposition 6-16-71 at 10:00 a.m. (AEB-J)m	
6-16-71	Answer to cross-claim of Western Casualty & Surety Company, filed. v	
6-16-71	Case called for disposition. Parties present and represented. Statements made. Tom Palmer files Separate Answer and Cross Calim of Vickie Brooks to Cross Claim of Western Casualty & Surety Co. for a Declaratory Judgment and Motion to Dismiss in open court, and he is granted leave to file a brief in support of same within 10 days. Dan Wagner granted 20 days to respond thereafter to respond to motion. (AEB-J)h Case stricken from disposition docket. Richard Gibbon granted 10 days to file answer to cross claim of Carolyn Miller.	
6-23-71	Ordered by the Clerk that atty. for defts. Ellsworths & West. Casualty is granted an extension of 5 days or until 6-30-71 to file answer to cross-claim. (JHP-Clerk)m	
6-30-71	Answer of Western Casualty & Surety Co. to cross claim of Vickie Brooks, filed. g	
7-6-71	Separate answer of Carolyn J. Miller to the cross-complaint of Western Casualty & Surety Co. for a declaratory judgment, filed. v	
8-2-71	Cross claim of the Deft. Carolyn J. Miller for declaratory judgment against the western Casualty & Surety Co., filed. v -OVER-	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-8-71	Separate answer of Joe Brooks to Cross Claim of Western Casualty & Surety Company and <u>Motion to Dismiss</u> , filed. v	
7-8-71	Brief in support of separate motions of Vickie Brooks and Joe C. Brooks, filed. v	
7-14-71	Brief of the Western Casualty & Surety Co., in Answer to Motions to Dismiss of Vickie Brooks and Joe C. Brooks, filed. r	
7-29-71	Pltf.'s Response to separate answer of Joe Brooks to Cross-Claim of Western Casualty & Surety Company and Motion to Dismiss, filed. v	
8-2-71	Cross claim of the Deft. Carolyn J. Miller for declaratory judgment against the western Casualty & Surety Co., filed. v	
8-4-71	Order by Court that the Magistrate hear the Motion to dismiss of Deft. Vickie Brooks and Motion to dismiss of Deft. Joe Brooks. (AEB-J)v	
8-4-71	Hearing on Motion to dismiss of Defendant, Vickie Brooks and Motion to dismiss of Deft. Joe Brooks held. Pltf. ^{not} represented. Deft. represented by Thomas L. Palmer and Dan Wagnor. Arguments made and motions taken under advisement; Clerk to notify parties when ruling is made by the Court. (MLB-Mag)v	
8-9-71	Ordered by the Magistrate that the motions to dismiss of Vickie Brooks and Joe C. Brooks are each denied without prejudice to raising matter at time of trial. Atty. for Western Casualty to file order. (MLB-Mag.)m	
8-25-71	Order that the Motions to dismiss of Vickie Brooks and Joe C. Brooks, to the Cross-petition of the Western Casualty & Surety Co. are each denied and overruled, filed. (AEB-J) v	
<u>11-16-71</u>	Answer of Western Casualty and Surety Company to Cross-Claim of Carolyn J. Miller, filed. v --(As part of the pleading) Permission granted to file out of time. (AEB-J)v <i>motion denied</i>	
12-8-71	Parties directed to hold pre-trial prior to 1-12-72 and file pre-trial order not later than 1-19-72. (AEB-J)m	
1-19-72	Application of the Complainant, for extension of time to file pre-trial order, filed. v --order as part of the pleading sent to Judge Barrow.	
1-20-72	Order filed, granting parties an additional 30 days within which to file their pre-trial order, filed. (AEB-J)r (copies mailed to attys)	
<u>3-21-72</u>	Pre-trial order, filed. (AEB-J)hm	
9-7-72	Case set for nonjury trial on Weds, Sept. 13, 1972 at 10:00 A.M. (AEB-J)h	
9-11-72	Case stricken from N/J Docket of 9-13-72 at request of parties. (AEB-J)h	
11-14-72	Case set for N/J trial on Tues. Dec. 5, 1972 at 10:00am. (AEB-J)h	
12-4-72	Trial brief of def. Western Casualty, filed. rm	
12-5-72	Non-Jury trial held 12-5-72 and 12-6-72. Parties directed to submit briefs in lieu of arguments; except Thomas Palmer who made closing arguments. Parties rest. Parties granted 10 days to file Proposed FF/CL. <u>Case under advisement.</u> (AEB-J)h	
12-18-72	Defts' proposed F/F and C/L, filed. hm <i>to mail</i>	
12-18-72	Memorandum brief in support of proposed F/F & C/L of the Western Casualty and Surety Company, filed. hm <i>to mail</i>	
12-19-72	Appl. of defs. Brooks for ext. of time to file proposed F/F & C/L, filed. rm	
12-21-72	Order filed that motion to enlarge time granted and def's Vickie Brooks and Joe C. Brooks granted 10 days from Dec. 20, 1972, up to and including Dec. 30, 1972. (AEB-J)h <i>copy in mail</i>	
12-29-72	Plaintiff's proposed F/F, C/L and judgment, filed. hm <i>to mail</i>	
12-29-72	Memorandum brief in support of proposed F/F & C/L, filed. hm <i>to mail</i>	

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12-29-72	Appl. of defs. Brooks for enlargement of time to file FF & CL, filed.rm	
12-29-72	Partial transcript of Joe Brooks, N/J trial 12-6-72, filed. hm	
1-2-73	Order granting defs. Brooks to 1/14/73 to file proposed FF & CL. (AEB-J)rm	
1-15-73	Requested Findings of Fact, Conclusions of Law and Judgment of Vickie Brooks and Joe C. Brooks, filed. v	
1-15-73	Appl. to enlarge time to file brief in support of Findings of Fact and Conclusions of Law, filed by Deft.s Vickie Brooks and Joe C. Brooks.v	
1-17-73	Brief of Brooks in support of proposed FF & CL, filed. rm <i>orig. to Nick</i>	
1-19-73	Proposed FF of def. Carolyn Miller, w/brief in support of proposed FF & CL, filed. rm <i>copy to Nick</i>	
1-22-73	Reply Brief of MFA Mutual Insurance Co. to Brief of Vickie Brooks and Joe C. Brooks, filed. v <i>copy to Nick</i>	
2-13-73	Findings of fact, conclusions of law and judgment, filed and entered, that MFA Mutual Ins. Co. is not obligated to defend or indemnify Joe C. Brooks & Vickie Brooks as to any claim arising out of an accident occurring on 9-8-69; that Western Casualty & Surety Co. is obligated to defend & indemnify J. W. Ellsworth, Dennis Ellsworth & Vickie Brooks as to claims arising out/said accident & further that Vickie Brooks is afforded medical coverage under terms of said policy of Ins. issued to J. W. Ellsworth. (AEB-J)hm (copies mailed)	
2-22-73	Motion of Western Casualty and Surety Co., Dennis Ellsworth, and J.W. Ellsworth, for New Trial and to Amend Judgment. v	
2-22-73	Brief in support, filed. v	
2-23-73	Ordered by the Court that the Plaintiff is granted 10 days from this date to respond to Deft.s Motion for New Trial and to Amend Judgment. (AEB-J)v	
2-28-73	Ordered by the Court that Deft.s Vickie Brooks, Joe C. Brooks, and Carolyn J. Miller, are granted 10 days from this date to respond to Mot. of Western Casualty and Surety Co., Dennis Ellsworth, and J.W. Ellsworth, for New Trial and to Amend Judgment. (AEB-J)v	
2-14-73	Memorandum brief in response to motion for new trial and to amend judgment and brief in support thereof by Western Casualty Company, filed. ds	
4-11-73	Order overruling motion for new trial and to amend judgment, filed and entered. (AEB-J)g <i>yes made</i>	